

**REMARKS**

Consideration of the present application is respectfully requested in light of the following remarks.

With respect to the parent application, claims 17, 19, and 20 have been amended for reasons unrelated to patentability, including at least one of: to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification thereby not narrowing the scope of the claim, to detect infringement more easily, to enlarge the scope of infringement, to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.), to expedite the issuance of a claim of particular current licensing interest, to target the claim to a party currently interested in licensing certain embodiments, to enlarge the royalty base of the claim, to cover a particular product or person in the marketplace, and/or to target the claim to a particular industry.

Claims 1- 27 are pending in this application. Claims 1, 10, and 17 are the independent claims.

**The Obviousness Rejections**

Claims 1, 2, 4-22, 24, 26, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Eames (U.S. Patent No. 6,493,875) in view of Williams (U.S. Patent No. 5,880,864). These rejections are respectfully traversed.

Claims 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Eames (U.S. Patent No. 6,493,875) in view of Williams (U.S. Patent No. 5,880,864) and/or Jun (U.S. Patent No. 6,374,119). These rejections are respectfully traversed.

None of the cited references, either alone or in any combination, establish a *prima facie* case of obviousness. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in

the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." See MPEP § 2143.

### Claim 1

Claim 1 cites "... an adjunct device connected to the broadband interface device and operative for accepting broadband signals, formatting the broadband signals for wireless delivery and **providing the formatted broadband signals to the in-premises cabling**".

Eames allegedly discloses that "[i]n a residential environment with more than one analog television set[,] a residential gateway has a network interface module which [sic] receives signals from a telecommunications network." See Abstract. Eames also allegedly discloses a "**wireless gateway 200**" that wirelessly "serves as an interface to the devices in the residence 190 including the television 199, the computer 210 and additional telephone 194." See FIG. 2 and col. 4, lines 16-18.

Williams allegedly discloses an "advanced optical fiber communications network comprises a multimode optical fiber connection (one fiber or two) from a central office to an intelligent interface device in the subscriber's premises." See Abstract. "At the subscriber premises, the intelligent interface device provides the connection to the optical fiber and performs two-way multiplexing and demultiplexing as well as any necessary signal format conversions. The intelligent interface device may also provide similar two-way optical to electrical conversion and interfacing for ISDN, telemetry, packet data, etc. Traditional media (twisted pair, coaxial cable, etc.) may be used inside the customer premises for the delivery of the various services."

See col. 4, lines 59-67. “The intelligent interface device in the subscriber premises also provides a broadband connection.” See col. 5, lines 1-2.

With respect to claim 1, as recognized in the Office Action dated 28 August 2003 of the parent application, Eames does not teach explicitly or implicitly “... an adjunct device connected to the broadband interface device and operative for accepting broadband signals, **formatting** the broadband signals **for wireless delivery and providing the formatted broadband signals to the in-premises cabling**”.

Likewise, Williams does not teach explicitly or implicitly “... an adjunct device connected to the broadband interface device and operative for accepting broadband signals, **formatting** the broadband signals **for wireless delivery and providing the formatted broadband signals to the in-premises cabling**”. In fact, Williams teaches no “adjunct device” whatsoever, but instead allegedly discloses an “intelligent interface device” that “provides a broadband connection”, just as Eames allegedly discloses “a network interface module” that “receives signals from a telecommunications network.”

To the extent that Williams allegedly discloses that the “intelligent interface device” can connect to a “wireless transmission” “physical medium in layer 1” (see col. 8, lines 64-65), Williams provides no explicit or implicit **teaching** of providing to a “physical medium” such as “**in-premises cabling**” “broadband signals” “formatted” “**for wireless delivery**”. Note that the mention by Williams of “FM” at col. 8, line 53 and col. 9, line 16 refers to “fault management”.

But even assuming *arguendo* that Williams does disclose “formatting the broadband signals for wireless delivery and providing the formatted broadband signals to the in-premises cabling”, an assumption with which Applicant strongly disagrees, Williams can not be successfully combined with Eames. Specifically, Eames allegedly cites a “wireless gateway 200” comprising a “wireless module 490 which can be used to transmit and receive data to devices with the residence” (see col. 4, lines 56-57) by modulating and wirelessly transmitting a signal to those devices (see col. 5, lines 43-50). Thus, any alleged “formatting” provided by Williams

would duplicate and render inoperative for its intended purpose the modulating provided by Eames. Therefore, one of ordinary skill in the art would not have had a reasonable expectation of success in combining Eames with Williams.

Finally, with regard to the Eames and Williams references, there is no proper showing of a motivation or suggestion, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify either reference or to combine reference teachings. Because the “wireless gateway 200” of Eames already allegedly has the capability of “formatting the broadband signals for wireless delivery”, there is no motivation or suggestion to look elsewhere for that alleged capability. Because the “wireless gateway 200” of Eames allegedly can “transmit... data to devices with the residence”, there is no motivation or suggestion for “providing the formatted broadband signals to the in-premises cabling”.

#### Claim 10

Claim 10 cites “modulating the packetized RF frequency signals at a second frequency” and “**providing the packetized and modulated RF frequency signals to in-premises cabling** for distribution to signal radiation devices located within the premises”.

Eames does not teach explicitly or implicitly “modulating the packetized RF frequency signals at a second frequency” and “**providing the packetized and modulated RF frequency signals to in-premises cabling** for distribution to signal radiation devices located within the premises”. Williams does not teach explicitly or implicitly “modulating the packetized RF frequency signals at a second frequency” and “**providing the packetized and modulated RF frequency signals to in-premises cabling** for distribution to signal radiation devices located within the premises”. Thus, the cited references do not teach every claim limitation.

Moreover, as described above, Williams can not be successfully combined with Eames, and there is no proper showing of a motivation or suggestion to combine Eames with Williams.

**Claim 17**

Claim 17 cites “**transmitting the modulated converted broadband information at the RF second frequency and via on-premise cabling**”. Eames does not teach explicitly or implicitly “transmitting the modulated converted broadband information at the RF second frequency and via on-premise cabling”. Williams does not teach explicitly or implicitly “transmitting the modulated converted broadband information at the RF second frequency and via on-premise cabling”. Thus, the cited references do not teach every claim limitation.

Moreover, as described above, Williams can not be successfully combined with Eames, and there is no proper showing of a motivation or suggestion to combine Eames with Williams.

Accordingly, no *prima facie* rejection of independent claims 1, 10, and 17 has been presented, and therefore, no *prima facie* rejection of any dependent claim can be properly asserted. Consequently, reconsideration and withdrawal of all claim rejections is respectfully requested.

**CONCLUSION**

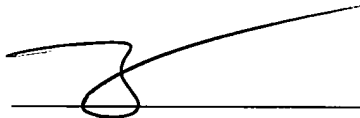
It is respectfully submitted that, in view of the foregoing remarks, the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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Date: 8 Dec 03

  
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